

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF NEW YORK

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SOON OK KIM,

Plaintiff,

Docket No.:

-against-

EAN HOLDINGS, LLC. and EDWARD BRITTON,

Defendants.

PETITION OF REMOVAL

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TO: The Honorable Judges of said Court:

The Petitioner, EDWARD BRITTON, by his attorneys, Carman, Callahan & Ingham, LLP, respectfully shows:

1. The Petitioner is a Defendant in the above-entitled action.
2. The above-entitled action was commenced in the Supreme Court of the State of New York, County of Queens by the filing of a Summons with the County Clerk, Queens County on February 8, 2024. The Summons and Complaint did not set forth a specific monetary amount claimed as damages; rather asserting that Plaintiff “has been damaged in sum which exceeds the jurisdictional limits of all lower courts which would otherwise have jurisdiction.” A copy of the Summons and Complaint is annexed hereto as Exhibit “A.”
3. On April 16, 2024, Defendant EAN Holdings, LLC served an Answer with discovery demands. On June 16, 2024, Defendant Edward Britton served an Answer with discovery demands, including a Demand for *Ad Damnum* Response. Copies of the Defendants’ Answers and Demands are annexed hereto respectively as Exhibits “B” and “C.”
4. On June 27, 2024, Plaintiff sent a Bill of Particulars and Response to Combined Demands to your affirment’s email. Copies of the pleadings are annexed hereto as Exhibit “D.” The Response to Combined Demands contains a Response to the Demand for *Ad Damnum*, in

which Plaintiff asserts that they are seeking damages in the amount of \$5,000,000.00 (Five Million Dollars). Id.

5. This Notice of Removal is filed within thirty (30) days after receipt by the Defendant EDWARD BRITTON, through service or otherwise, with a copy of the response to the demand to set forth the total damages claimed by Plaintiff. See, Exhibits “A” through “D.” As such, it is timely. See, Marroquin v. Jenkins, 2022 WL 3019971 (EDNY 2022)(Notice of Removal filed within 30 days of receipt of response to *ad damnum* demand is timely where Complaint did not set forth the amount in controversy).

6. The Notice of Removal is served within one year after the action was commenced, and as such is timely. 29 USCA §1446(c)(1).

7. The Court’s jurisdiction is based upon diversity of citizenship, 28 U.S.C. Section 1332 in that the Plaintiff and Defendants are citizens of different states and the amount in controversy exceeds Seventy-Five Thousand (\$75,000.00) Dollars, exclusive of interest and costs.

8. The Plaintiff resides at 67-20A 193<sup>rd</sup> Lane, Fresh Meadows, New York, as set forth on the Summons. See, Exhibit “A.” The Defendant EDWARD BRITTON resides at 148 Parkway, Moutainside, New Jersey. Upon information and belief, EAN Holdings, LLC is incorporated in the State of Delaware and maintains a principal place of business in the State of Missouri; with its sole member being Enterprise Holdings, Inc., which is incorporated in the State of Missouri and maintains a principal place of business in the State of Missouri. The Defendants consent to removal of this action to Federal Court; a copy of EAN Holdings, LLC’s Consent to Removal is annexed hereto as Exhibit “E” and sets forth the residency requirements relative to EAN Holdings, LLC. Further, a copy of the New York State Department of State

Division of Corporations entity information for EAN Holdings, LLC is annexed hereto as Exhibit "F."

9. The amount in controversy exceeds Seventy-Five Thousand (\$75,000.00) Dollars, exclusive of interest and costs, as set forth in the Plaintiff's response to the demand to set forth the total damages claimed by Plaintiff. See, Exhibit "D."

10. Venue in the Eastern District of New York is proper pursuant to 28 U.S.C. Section 112 and 28 U.S.C. Section 139(a).

11. Copies of all process, and the Summons and Complaint received by the Petitioners are filed herewith, and annexed hereto as Exhibits.

**WHEREFORE**, your Petitioner prays that the action proceed in the United States District Court of the Eastern District of New York in accordance with 28 U.S.C. Sections 1441 and 1446.

Dated: Farmingdale, New York  
July 22, 2024

Yours, etc.

CARMAN, CALLAHAN & INGHAM, LLP

By:

  
Stephanie L. Boden, Esq.

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